

Copyright Board
Canada



Commission du droit d'auteur
Canada

[CB-CDA 2022-037]

RULING OF THE BOARD

File: Online Music Services (SOCAN: 2007-2018)

June 24, 2022

[1] On June 10, 2022, SOCAN filed a motion for a ruling from the Board converting Pandora's status in this proceeding from an objector to an intervener and striking the evidence filed by Pandora on May 13, 2022 (the "Motion").

[2] Essentially, SOCAN argues that Pandora cannot be an objector since it never was an actual user during the tariff period under consideration and therefore does not meet the requirements under the *Copyright Act* (as it stood for the purposes of this proceeding).

[3] Pandora responded to and SIRIUS XM commented on the Motion.

[4] The Motion is dismissed.

[5] The arguments raised in Pandora's and SIRIUS XM's submissions, which will not be repeated here, have merit.

[6] In any event, unless ordered otherwise, nothing prevents an intervener from filing evidence that may be useful to the examination of a matter. The Board is of the preliminary view that the evidence filed by Pandora and its contribution to the debate is useful (see [CB-CDA 2019-071] *AMENDED DIRECTIVE ON PROCEDURE Online Music Services* [SOCAN: 2007-2018; Re:Sound: 2013-2018; CSI: 2014-2018]).

[7] As such, changing its status from objector to intervener would not result in striking the evidence. A debate on the issue as to whether Pandora is required to be an actual user during the tariff period under consideration is therefore moot and does not need to be decided in this ruling.

Lara Taylor
Secretary General